

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by Todd Vargo, Planner I

SUBJECT: Resolution
DG 12-1-02 Sara Plat, 7050 State Road 84/Generally located on the south side of State Road 84 between University Drive and Davie Road.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS LINE OF THE "SARA PLAT", AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Petitioner is requesting to amend the non-vehicular access line (NVAL) on the "Sara Plat."

FDOT requires an NVAL of a certain distance to extend from the State Road 84 Right-of-Way to allow for the queuing of vehicles exiting the FDOT highway onto the parcel. Engineering staff has noted an existing driveway located on the subject parcel does not meet the Florida Department of Transportation (FDOT) requirements. In effect, the entranceway into the parking lot is closer to State Road 84 than Florida law allows.

PREVIOUS ACTIONS: None

CONCURRENCES: The Engineering Department has reviewed the request and has no objections to allowing this condition to remain, subject to the construction of a 6' sidewalk along the north end of the plat parallel to State Road 84.

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Planning Report, Plat, Existing Future Land Use Map, Subject Site and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE OF THE "SARA PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the Sara Plat was recorded in the public records of Broward County in Plat Book 147, Page 3; and

WHEREAS, the owners desire to amend the non-vehicular access line associated with said plat; and

WHEREAS, approval shall be subject to the construction of a 6' sidewalk along the north end of the plat parallel to State Road 84; and

WHEREAS, Broward County requires that the Town of Davie concur with this amendment prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed amendment to the non-vehicular access line shown on the Sara Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.

Application #: DG 12-1-02/Sara Plat
Exhibit "A"

Revisions:
Original Report Date: 12/13/2002

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>		<u>Agent:</u>	
Name:	Malcolm Butters	Name:	C. William Laystrom Jr.
Address:	1096 E. Newport Center Drive Suite 100	Address:	1177 Southeast Third Avenue
City:	Deerfield Beach, FL 33442	City:	Fort Lauderdale, FL 33316
Phone:	(954) 570-8111	Phone:	(954) 762-3400

BACKGROUND INFORMATION

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend a non-vehicular access line (NVAL) on the "Sara Plat."

Address/Location: 7050 State Road 84/Generally located on the south side of State Road 84 between University Drive and Davie Road.

Future Land Use Plan Designation: Commercial

Zoning: CC Commerce Center (Parcel A), M-1, Light Industrial Park (Parcel B)

Existing Use: Commercial

Proposed Use: Commercial use (Parcel A and B)

Parcel Size: 12.23 acres (532,796 square feet)

Tract A: 9.991 acres (435,240 square feet)

Tract B: 2.239 acres (97,556 square feet)

	<u>Surrounding Uses:</u>
North:	Transportation (I-595)
South:	Vacant
East:	Commercial
West:	Commercial

<u>Surrounding Land</u>
<u>Use Plan Designation:</u>
Transportation
Commercial
Commercial
Commercial

Surrounding Zoning:
North: I-595
South: M-1 (Light Industrial Park District)
East: CC (Commerce Center) and M-2 (Medium Industrial Park District)
West: M-1 (Light Industrial Park District) and B-3 (Planned Business Center District)

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: Town Council approved DG 1-2-00 through Resolution R-2000-94 on May 17, 2000. This resolution granted the revision of the restrictive note on the Sara Plat from 142,000 square feet of light industrial development on Parcel "A"; and 26,560 square feet of two-story office and 6,640 square feet of commercial on Parcel "B" to 152,200 square feet of light industrial development; 22,912 square feet of 2 story office; and 6,640 square feet of commercial.

On October 5, 2000, Town Council passed Resolution R-2000-241 for DG 8-3-00 authorizing a change to the restrictive note of the Sara Plat from 152,200 square feet of light industrial on parcel "A" and 22,912 square feet of two-story office and 6,640 square feet of commercial on parcel "B" to 152,200 square feet of light industrial and 1928 square feet of commercial.

Town Council approved a site development plan for a 150,701 square foot commerce center, with associated parking and landscaping on a 12.23 acre parcel, on June 2, 1999, with conditions.

The subject plat was recorded by Broward County on February 7, 1991 in Plat Book 147, Page 3 of the Broward County Records.

APPLICATION DETAILS

Petitioner is requesting to amend a non-vehicular access line on the "Sara Plat." The existing curbing stops short of the terminus of the non-vehicular access line. The NVAL continues forward into the vehicle entranceway. The applicant seeks to curve the NVAL along the same line as the installed curb adjacent to the existing entranceway.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

Significant Development Review Agency Comments

The Town of Davie Engineering Department has reviewed the subject request and has no objections to the conditions, subject to the provision of a 6' sidewalk.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: The proposed delegation request is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff Analysis/Findings of Fact

The applicant has noted that the existing entranceway curbing does not follow the platted non-vehicular access line (NVAL). Currently, the NVAL extends into the 24' driveway from the frontage road. The applicant wishes to amend the NVAL to follow the curb as it curves to the west.

FDOT requires an NVAL of a certain distance to extend from the State Road 84 Right-of-Way to allow for the queuing of vehicles exiting the FDOT highway onto the parcel. Engineering staff has noted an existing driveway located on the subject parcel does not meet the Florida Department of Transportation (FDOT) requirements. In effect, the entranceway into the parking lot is closer to State Road 84 than Florida law allows.

After conducting a windshield survey of the State Road 84 corridor, staff noted that a sidewalk extends from the Tower Shops, just east of University Drive, east to SW 71 Terrace and from SW 70 Avenue east to Davie Boulevard. The Sara Plat is the middle of three parcels which do not have sidewalks - when the Sara Plat was originally recorded, no request was made for a sidewalk. As part of this delegation request, staff recommends the applicant provide a sidewalk along State Road 84.

This modification to the NVAL on the Sara Plat is consistent with the existing and proposed use of the subject site.

Staff Recommendation

Recommendation: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration. In addition, the following condition must be met prior to final approval:

1. Approval shall be subject to the construction of a 6' sidewalk along the north end of the plat parallel to State Road 84. In the event such provisions are not made, the request shall be deemed denied by the Town of Davie.

Exhibits

1. Justification Letter
2. Plat
3. Existing Survey
4. Proposed Survey
5. Existing Future Land Use Map
6. Subject Site and Aerial Map

Prepared by: _____

Reviewed by: _____

LAW OFFICES
**DOUMAR, ALLSWORTH, CURTIS, CROSS, LAYSTROM,
PERLOFF, VOIGT, WACHS & MAC IVER, LLP**

EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
WILLIAM S. CROSS, P.A.**
CHARLES L. CURTIS, P.A.
RAYMOND A. DOUMAR, P.A.*

1177 SOUTHEAST THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33316-1197
BROWARD (954) 762-3400
MIAMI (305) 945-3172
TELEFAX (954) 525-3423

C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
JOHN W. PERLOFF, P.A.*
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A.†

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN
* BOARD CERTIFIED REAL ESTATE LAWYER
** CERTIFIED CIRCUIT CIVIL AND FAMILY MEDIATOR

JOHN H. ADAIR, III, P.A.

Mr. Larry Peters
Town of Davie
City Engineer
6591 Orange Drive
Davie, Florida 33314

November 20, 2002

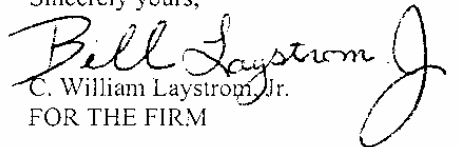
Dear Larry:

Our firm is requesting Broward County to amend the non-vehicular access line for the Sara Plat (101-MP-89). A lender has raised a minor issue that the existing entrance way curbing curves back behind the platted non-vehicular access line. As part of the required documentation for Broward County, we need a letter from the Town of Davie stating that the Town has no objection to our request.

Please review the enclosed boundary survey, legal description, and Application to Change or Waive Requirements of the Broward County Land Development Code. We are requesting the County to amend the non-vehicular access line to curb it back along the same line as the installed curb.

We are under a time deadline with Broward County to get the application filed and appreciate your attention to this matter. If you have any questions or concerns, feel free to contact me.

Sincerely yours,


C. William Laystrom Jr.
FOR THE FIRM

CWL:jgb
enc:

PLAT BOOK 47 PAGE 3

SHEET 1 OF 2

SARA PLAT
A REPLAT OF THE EAST 1/2 OF TRACTS
1, 2, & 3, TIER 45, SEC. 15 & 22, TWP.
50S., RGE. 41E., NEWMAN'S SURVEY, P.B.
2, PG. 26, DADE COUNTY RECORDS.
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.

DESCRIPTION:
ALL THAT PART OF THE EAST 1/2 OF TRACTS 1, 2, AND 3, OF TIER 45,
OF NEWMAN'S SURVEY, IN TOWNSHIP 45 SOUTH, RANGE 41 EAST, ACCORDING
TO NEWMAN'S SURVEY, RECORDED IN PLAT BOOK 47, PAGE 3, DADE COUNTY
RECORDS, IN BROWARD COUNTY, FLORIDA, LYING SOUTH OF THE RIGHT-OF-WAY OF STATE
ROAD 84, AND 1.399 ACRES.

RECORDS:
FROM ALL OF THESE RECORDS, THE
PLAT REPLICATED HEREIN HAS BEEN
PREPARED BY THE PLANNING DIVISION
OF BROWARD COUNTY, FLORIDA, AND
IS A TRUE AND CORRECT COPY OF THE
RECORDS AS THEY APPEAR IN THE
PLAT BOOK 47, PAGE 3, DADE COUNTY
RECORDS.

COMMISSIONER:
I, John P. Davis, Commissioner of
Broward County, Florida, do hereby
certify that the above described
tract is a true and correct copy
of the records as they appear in
the plat book 47, page 3, Dade
County Records.

NOTARY PUBLIC:
I, John P. Davis, Notary Public,
do hereby certify that the above
described tract is a true and
correct copy of the records as
they appear in the plat book 47,
page 3, Dade County Records.

PLANNING DIVISION:
I, John P. Davis, Planning
Division, do hereby certify that
the above described tract is a
true and correct copy of the
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plat book 47, page 3, Dade
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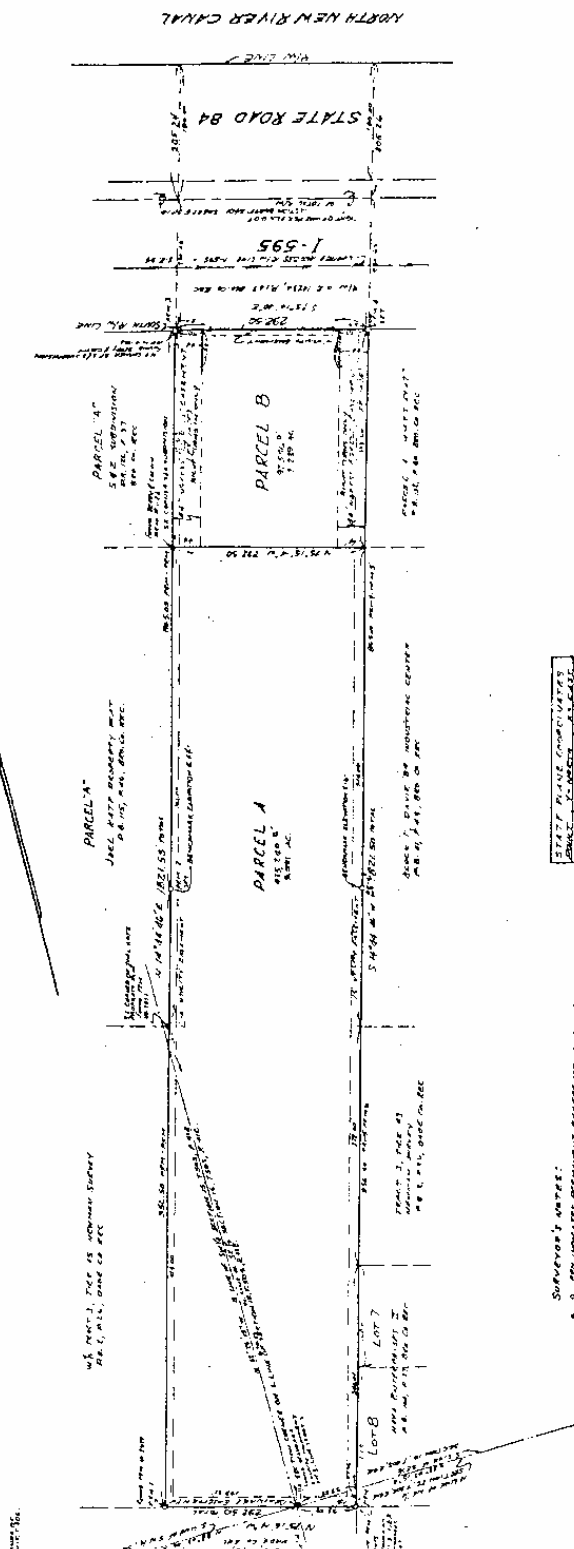


DAVIS ASSOCIATES, INC.
ENGINEERING, SURVEYING, AND PLANNING
FORT LAUDERDALE, FLORIDA

101-DE-83
COUNTY PLAT # 174

SHEET 2 OF 2

Hand-drawn sketch map showing a rectangular area divided into a grid. The map includes handwritten notes and symbols, such as "ROAD" written vertically on the right side and "100" at the bottom. The map is labeled "THIS PLAT" on the right side.

[illegible][illegible]

DAVIS ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS & SURVEYORS
6455 14th St., Suite 202, Portland, OR 97205, U.S.A.
PHONE (503) 698-7101



SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com • CERTIFICATE OF AUTHORIZATION #LB3870



LEGAL DESCRIPTION: EXISTING CONDITION NON-VEHICULAR ACCESS LINES

A PORTION OF PARCEL "B", "SARA PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 147, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

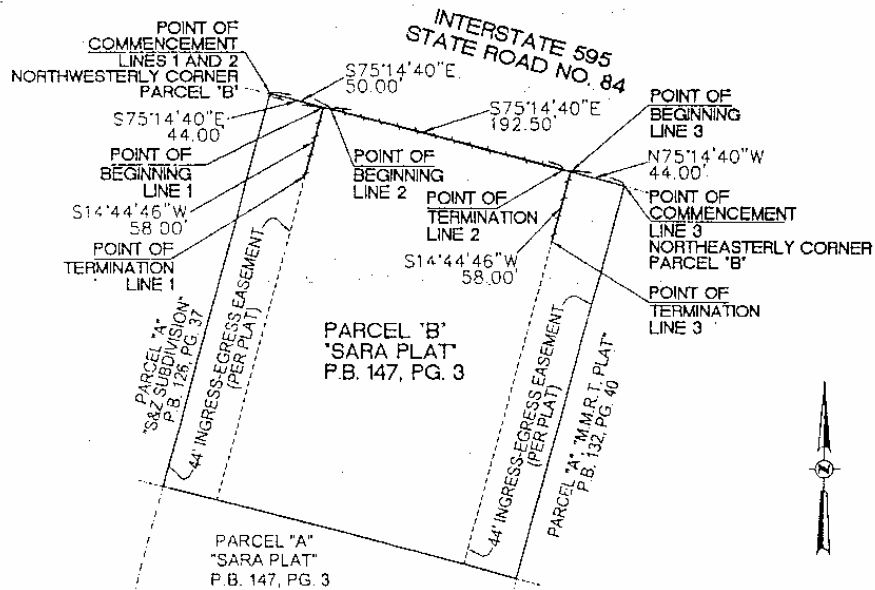
LINE 1
COMMENCE AT THE NORTHWESTERLY CORNER OF SAID PARCEL "B"; THENCE SOUTH 75°14'40" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL "B" 44.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 14°44'46" WEST 58.00 FEET TO THE POINT OF TERMINATION.

TOGETHER WITH:
LINE 2
COMMENCE AT THE NORTHWESTERLY CORNER OF SAID PARCEL "B"; THENCE SOUTH 75°14'40" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL "B" 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 75°14'40" EAST ALONG SAID NORTHERLY LINE 192.50 FEET TO THE POINT OF TERMINATION.

TOGETHER WITH:
LINE 3
COMMENCE AT THE NORTHEASTERLY CORNER OF SAID PARCEL "B"; THENCE NORTH 75°14'40" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL "B" 44.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 14°44'46" WEST 58.00 FEET TO THE POINT OF TERMINATION.

NOTES:

- 1) BEARINGS ARE BASED ON THE NORTH LINE OF PARCEL "B" BEING S75°14'40"E.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.



FILE: DOLMAR, ALLSWORTH, CURTIS, CROSS, LAYSTROM & PERLOFF, ET AL

SCALE: 1" = 100'

ORDER NO.: 43679A

DATE: 11/07/02

EXISTING NON-VEHICULAR ACCESS LINE

SOUTH OF I-595 AND WEST OF S.W. 66TH TERRACE

FOR DOLMAR, ALLSWORTH, CURTIS, CROSS, LAYSTROM & PERLOFF, ET AL

John F. Pulice Professional Surveyor and Mapper #2691, State of Florida
Beth Ann Curcio, Professional Surveyor and Mapper #6136, State of Florida

EXHIBIT "A"



SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@puliceandsurveyors.com • CERTIFICATE OF AUTHORIZATION #LB3870



LEGAL DESCRIPTION: PROPOSED CONDITION NON-VEHICULAR ACCESS LINES

A PORTION OF PARCEL "B", "SARA PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 147, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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TOGETHER WITH:

LINE 2

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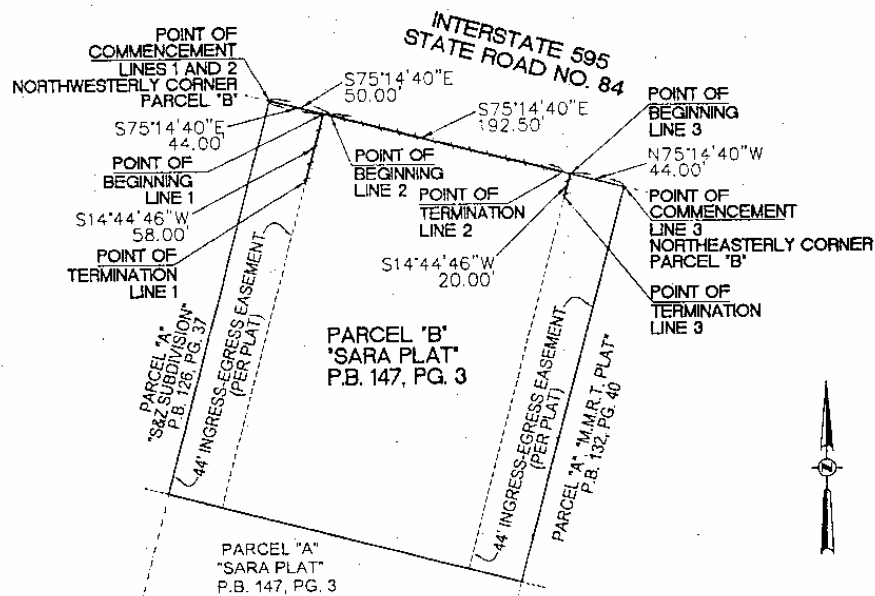
TOGETHER WITH:

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NOTES:

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- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.



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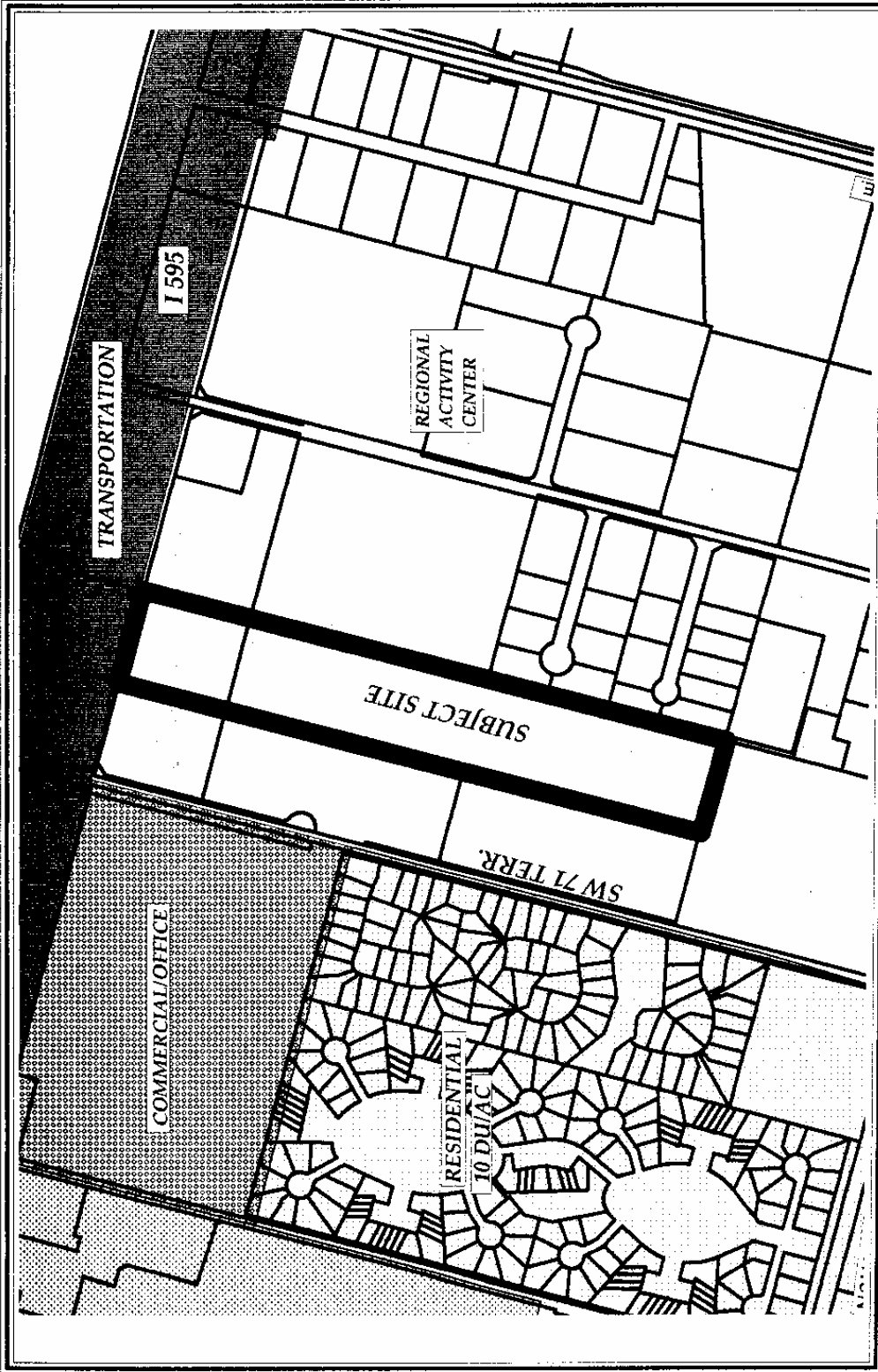
DATE: 11/07/02

PROPOSED NON-VEHICULAR ACCESS LINE

SOUTH OF I-595 AND WEST OF S.W. 66TH TERRACE

FOR: DOUMAR, ALLSWORTH, CURTIS, CROSS, LAYSTROM & PERLOFF, ET AL

John F. Pulice, Professional Surveyor and Mapper #2691, State of Florida
Beth Ann Shields, Professional Surveyor and Mapper #6136, State of Florida



DELEGATION REQUEST
 DG 12-1-02
 Existing Future Land Use Map



400 0 400 Feet

Planning & Zoning Division - GIS



Date Flown: 12/31/01



400 0 400 Feet

Planning & Zoning Division - GIS